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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)	No. CR 06-0754 SBA
)	
11 Plaintiff,)	STIPULATION AND ORDER TO
)	CONTINUE SENTENCING HEARING
12 v.)	
)	
13 FRANCISCO GOMEZ,)	
)	
14 Defendants.)	
15 _____)	

16 Defendant Francisco Gomez is currently scheduled to appear for sentencing on January 29,
17 2008. The parties submit this stipulation to request that the sentencing date be moved to the new
18 date of February 19, 2008, at 10:00 a.m., for the reasons set forth below.

19 As part of the presentence investigation, the Probation Office and defense counsel attempted to
20 meet with Mr. Gomez for an in-custody interview at the Glen Dyer jail in Oakland on December 5th.
21 Upon arriving at the jail, it was discovered that the Marshals had moved Mr. Gomez to a different
22 facility (after the Probation Officer had arranged the interview). The Probation Officer has now
23 rescheduled the interview for December 14. To afford the Probation Officer sufficient time to
24 complete her investigation prior to issuance of the draft presentence report, the parties have agreed
25 to request this brief continuance of the sentencing date. In addition, because defense counsel will be
26 out of the office from December 19th until January 3rd, this continuance will ensure that the time to

1 respond to the draft report (currently scheduled to issue on December 25) will not pass while defense
2 counsel is unavailable to review the report with defendant Gomez. Mr. Gomez is in custody and has
3 no objection to the continuance. The Probation Officer supports the request for a continuance and is
4 available on the new date.

5 For these reasons, the parties respectfully request that the sentencing hearing in Mr. Gomez's
6 case be continued from January 29, 2008, to February 19, 2008, at 10:00 a.m.

7 SO STIPULATED.

8 Dated: December 11, 2007 /S/

9
10 HILARY A. FOX
Attorney for Defendant GOMEZ

11 SO STIPULATED.

12 Dated: December 12, 2007 /S/

13 LUCINDA SIMPSON
Assistant United States Attorney

14
15 I hereby attest that I have on file all holograph signatures for any signatures indicated by
16 a "conformed" signature (/S/) within this e-filed document.

17
18
19 **ORDER**

20 Based on the reasons provided in the stipulation of the parties above, it is hereby ORDERED
21 that the sentencing hearing in the above-captioned matter is continued from January 29, 2008, to
22 February 19, 2008, at 10:00 a.m.

23 IT IS SO ORDERED.

24 Dated: December 14, 2007

25 *Saundra B. Armstrong*
SAUNDRA BROWN ARMSTRONG
United States District Court